



# GENERAL ASSEMBLY COMMONWEALTH OF KENTUCKY

## 2006 REGULAR SESSION

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SENATE BILL NO. 225

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THURSDAY, MARCH 9, 2006

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The following bill was reported to the House from the Senate and ordered to be printed.

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TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Miller

AN ACT relating to mechanical inspections.

***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

1       Section 1. KRS 198B.400 is amended to read as follows:

2       As used in KRS 198B.410 to 198B.540, unless the context otherwise requires:

3       (1) "Elevator" means all the machinery, construction, apparatus, and equipment used in  
4       raising and lowering a car, cage, or platform vertically between permanent rails or  
5       guides, and includes all elevators, power dumbwaiters, escalators, gravity elevators,  
6       and other lifting or lowering apparatus permanently installed between rails or  
7       guides, but does not include hand operated dumbwaiters, manlifts of the platform  
8       type with a platform area not exceeding nine hundred square inches, construction  
9       hoists, or other similar temporary lifting or lowering apparatus.

10      (2) "Passenger elevator" means an elevator that is designed to carry persons to its  
11      contract capacity.

12      (3) "Freight elevator" means an elevator used for carrying freight and on which only the  
13      operator, by the permission of the employer, is allowed to ride.

14      (4) "General inspector" means a state inspector examined and hired to inspect elevators  
15      for the Office of Housing, Buildings and Construction.

16      (5) "Special inspector" means an inspector examined and certified by the office to  
17      inspect elevators in the state.

18      (6) "Inspector" means either a general or special inspector.

19      (7) "Office" means the Office of Housing, Buildings and Construction.

20      (8) "Certificate of operation" is a certificate issued by the office authorizing the  
21      operation of an elevator which must be conspicuously posted on the elevator at all  
22      times.

23      (9) "Escalator" means a moving stairway consisting of steps attached to a  
24      continuously circulating belt that is used to move persons from one (1) level to  
25      another.

1 (10) "Moving sidewalk" means horizontal flat panels attached to a continuously  
 2 circulating belt used to move people.

3 (11) "Fixed guideway system" means any nonrail system, funicular, or automated  
 4 people mover, either air-suspended or wheeled, that is not regulated by the  
 5 Federal Transit Administration.

6 Section 2. KRS 198B.410 is amended to read as follows:

7 (1) No person may act either as a general inspector or as a special inspector of elevators  
 8 or fixed guideway systems unless he or she holds a certificate of competency from  
 9 the office.

10 (2) Application for examination as an inspector of elevators shall be in writing,  
 11 accompanied by a fee of ten dollars (\$10), upon a blank to be furnished by the  
 12 office, stating the school education of the applicant, a list of his or her employers,  
 13 his or her period of employment, and the position held with each. An applicant shall  
 14 also submit a letter from one (1) or more of his or her previous employers certifying  
 15 as to his or her character and experience.

16 (3) Applications shall be rejected which contain any willful falsification or untruthful  
 17 statements. ~~The~~ Such applicant, if the office deems his or her history and  
 18 experience sufficient, shall be tested by means of a written examination dealing  
 19 with the construction, installation, operation, maintenance, and repair of elevators  
 20 and their appurtenances, and the applicant shall be accepted or rejected on the  
 21 merits of his or her application and examination.

22 (4) The office shall promulgate administrative regulations establishing the training  
 23 and certification requirements for inspectors of fixed guideway systems.

24 (5) The office shall issue a certificate of competency in the inspection of elevators to  
 25 any applicant found competent upon examination. A rejected applicant shall be  
 26 entitled, after the expiration of ninety (90) days, and upon payment of an  
 27 examination fee of ten dollars (\$10), to another examination. Should an applicant

1 fail to pass the prescribed examination on second trial, he or she will not be  
 2 permitted to be an applicant for another examination for a period of one (1) year  
 3 after the second failure.

4 Section 3. KRS 198B.420 is amended to read as follows:

5 (1) The office shall administer all aspects of the State Elevator and Fixed Guideway  
 6 System Inspection Program.

7 (2) The program shall be directed by a person with at least five (5) years' experience in  
 8 the inspection or construction, installation, maintenance, and repair of elevators and  
 9 their appurtenances.

10 (3) The executive director of housing, buildings and construction may appoint and hire  
 11 from the holders of certificates of competency[ ~~no more than ten (10)~~] general  
 12 inspectors of elevators.

13 Section 4. KRS 198B.440 is amended to read as follows:

14 A certificate to serve as an inspector issued under Section 2 of this Act may be  
 15 suspended or revoked by the office for the incompetence or untrustworthiness of the  
 16 holder thereof, or for the falsification of any matter or statement contained in his or her  
 17 application or in a report of any inspection.

18 Section 5. KRS 198B.460 is amended to read as follows:

19 The owner or user of any elevator or fixed guideway system shall register with the office  
 20 every elevator or fixed guideway system operated by him or her, giving the type, capacity,  
 21 and description, name of manufacturer, and purpose for which each is used. The[Such]  
 22 registration shall be made on a form to be furnished by the office.

23 Section 6. KRS 198B.470 is amended to read as follows:

24 Every passenger elevator, moving sidewalk, fixed guideway system, and escalator shall  
 25 be inspected once every twelve (12) months.

26 Section 7. KRS 198B.480 is amended to read as follows:

27 (1) Every inspector shall forward to the office a full report of each inspection made of

1 any passenger elevator or fixed guideway system, showing the exact condition of  
2 the elevator or fixed guideway system, and the inspector shall leave a copy of the  
3 report at the elevator or fixed guideway system on the day the inspection is  
4 completed.

5 (2) If any passenger elevator or fixed guideway system requires certain changes or  
6 repairs to make it reasonably safe to operate, recommendations shall be made by the  
7 inspector upon his or her report and a copy of the report as approved by the office  
8 shall be given to the owner or operator of the elevator or fixed guideway system,  
9 and unless appealed, upon compliance therewith, and upon the payment of the fees  
10 required by law, the office shall issue a certificate of operation for a capacity not to  
11 exceed that named in the report of inspection, which certificate shall be valid for  
12 one (1) year after the date of inspection.

13 (3) If construction plans or an application of specifications is not approved, the office  
14 shall state in writing the necessary changes to obtain approval and the owner or  
15 operator shall be given a copy thereof, and unless appealed, upon compliance  
16 therewith, the office shall approve the plans or specifications and issue a permit for  
17 construction.

18 (4) Any owner or operator, within twenty (20) days from receipt of the copy of the  
19 report or statement of changes in plans or specifications, may make written  
20 application to the office, upon forms to be furnished by the office for a hearing on  
21 the report or the statement regarding changes in plans or specifications as to  
22 whether the elevator or fixed guideway system in question is reasonably safe, or  
23 whether the elevator or fixed guideway system, if constructed in accordance with  
24 the plans and specifications, would be reasonably safe. The office shall promptly  
25 consider the application and schedule a hearing to be conducted consistent with the  
26 provisions of this section and KRS Chapter 13B.

27 (5) If it appears from the evidence presented at the hearing that the elevator or fixed

1 guideway system will be reasonably safe to operate without those changes or repairs  
 2 shown in the report or by making only a part or all thereof, or if none or only a part  
 3 of all the changes in the plans or specifications are found necessary to make the  
 4 elevator reasonably safe, the office shall issue its final order accordingly. If the final  
 5 order requires changes or repairs to be made in the elevator or fixed guideway  
 6 system or changes in the plans or specifications of either, the office shall upon the  
 7 payment of the required fees, issue a certificate of operation when the order has  
 8 been executed, or issue its approval of the plans or specifications. If the final order  
 9 of the office has been affirmed or modified by appeal, on the grounds of reasonable  
 10 safety considered by the office, then the office shall, upon compliance with the final  
 11 order, and the payment of required fees, issue the certificate of operation or issue its  
 12 approval of the plans and specifications but, if the order of the office has been  
 13 vacated, the certificate of operation, upon the payment of fees or approval of plans  
 14 and specifications shall be issued forthwith. No elevator or fixed guideway system  
 15 shall be operated after being inspected without having a certificate of operation  
 16 conspicuously posted thereon, except pending a hearing on the issuance thereof.

17 Section 8. KRS 198B.490 is amended to read as follows:

18 The executive director of housing, buildings and construction shall make, alter, amend,  
 19 and repeal rules and regulations exclusively for the safety and inspection of passenger  
 20 elevators and fixed guideway systems. The executive director shall have the authority to  
 21 prescribe, by regulation, the fee to be charged for each inspection. All fees established  
 22 and regulated by this section shall be payable to the office except as may be provided in a  
 23 specific written agreement between the executive director and any agency authorized to  
 24 inspect elevators or fixed guideway systems by the provisions of this chapter.

25 Section 9. KRS 198B.500 is amended to read as follows:

26 Every passenger elevator or fixed guideway system shall be equipped, maintained, and  
 27 operated, with respect to the supporting members, elevator or fixed guideway system car,

1 shaftways, guides, cables, doors, and gates, safety stops and mechanism, electrical  
 2 apparatus and wiring, mechanical apparatus, counterweights, and all other appurtenances,  
 3 in accordance with the regulations as are authorized in respect thereto. Where reasonable  
 4 safety is obtained without complying to the literal requirements of the[such] regulations  
 5 as in cases of practical difficulty or unnecessary hardship, the literal requirements of  
 6 the[such] regulations shall not be required.

7 Section 10. KRS 198B.510 is amended to read as follows:

8 No certificate of operation for any passenger elevator or fixed guideway system shall be  
 9 issued until the[such] elevator or fixed guideway system has been inspected and the  
 10 report thereof filed with the office. The[Such] certificate of operation, when issued, shall  
 11 bear the date of inspection, and shall be renewed as of the date of the subsequent  
 12 inspection, provided the[such] inspection is made at least one (1) year after the issuance  
 13 of such certificate. If the[such] inspection is made during the year the[such] certificate is  
 14 in force, the renewal date shall be one (1) year from the date of the certificate being  
 15 renewed and the renewal certificate shall show the date of inspection.

16 Section 11. KRS 198B.520 is amended to read as follows:

17 Before any new installation of an elevator or fixed guideway system of permanent nature  
 18 shall be erected or before any existing elevator is removed to a different location, an  
 19 application of specifications in duplicate shall be submitted to the office giving such  
 20 information concerning the construction, installation, and operation of said elevator or  
 21 fixed guideway system as the office may require on forms to be furnished by the office,  
 22 together with complete construction plans in duplicate. In all cases where any changes or  
 23 repairs are made which alter its construction or classification, grade or rated lifting  
 24 capacity, except when made pursuant to a report of an inspector, an application of  
 25 specifications in duplicate shall be submitted to the office, containing such information,  
 26 for approval, except for elevators in those municipal corporations which maintain their  
 27 own elevator inspection departments, in which event the[such] specifications shall be

submitted to the elevator department of the municipal corporation for its approval, and if approved, a permit for the erection or repair of ~~the[such]~~ elevator shall be issued by the municipal corporation. Upon approval of ~~the[such]~~ application and construction plans the office shall issue a permit for the erection or repair of ~~the[such]~~ elevator or fixed guideway system. No new elevator or fixed guideway system shall be operated until completion in accordance with the approved plans and specifications, unless a temporary permit is granted by the office.

Section 12. KRS 198B.530 is amended to read as follows:

No person shall violate any law relative to the operation, construction, maintenance, and repair of passenger elevators or fixed guideway systems. All fines collected for a violation of this section shall be forwarded to the office, which shall pay the same into the State Treasury to the credit of the general revenue fund.

Section 13. KRS 198B.540 is amended to read as follows:

(1) If the office's inspector of elevators and fixed guideway systems~~[office]~~ or a general inspector of elevators or fixed guideway systems finds that a passenger elevator, fixed guideway system, or a part thereof does not afford reasonable safety, the office or the general inspector may post a notice upon ~~the[such]~~ elevator or fixed guideway system prohibiting further use of the elevator or fixed guideway system until the changes or alterations set forth in the notice have been made to the satisfaction of the office or the inspector. Said notice shall contain a statement that operators or passengers are subject to injury by its continued use, a description of the alteration or other change necessary to be made in order to secure safety of operation, date of ~~the[such]~~ notice, name and signature of the office or inspector issuing the notice.

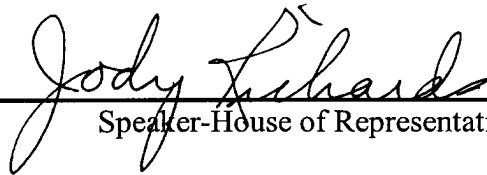
(2) If any inspector of elevators or fixed guideway systems finds a passenger elevator or fixed guideway system to be so unsafe as can be reasonably expected to offer imminent danger of death or physical injury, that unit shall be sealed out of service,



- 1 a hazard notice posted thereon, and the office shall be notified immediately as to the  
2 location and condition of the unit.
- 3 (3) Any passenger elevator or fixed guideway system, once sealed, shall not be  
4 operated except for the purpose of effecting repairs and in the~~[such a]~~ manner~~[as]~~  
5 prescribed by the office, until all defects are corrected and the unit has been  
6 inspected and certified as safe by the office.
- 7 (4) Sealing shall consist of rendering a passenger elevator unit or fixed guideway  
8 system inoperable by disconnecting power and/or by placing a sealing device on the  
9 operation switch and ordering~~[such]~~ additional measures to be effected by the  
10 owner, such as erection of barricades, as may be required to prevent use of or public  
11 access to the unit.
- 12 (5) No seal, notice or barricade placed on or around an elevator or fixed guideway  
13 system in accordance with the provisions of this chapter shall be removed,  
14 obstructed or in any way altered without the written consent of the office.



President of the Senate



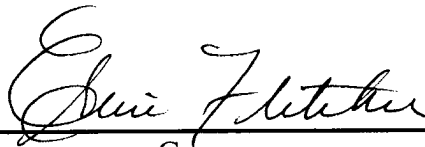
Speaker-House of Representatives

Attest:



Chief Clerk of Senate

Approved



Governor

Date

4/5/06